

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ROBERT HUBER,

Plaintiff,

v.

Case No. 10-C-435

WARDEN JEFF PUGH,

Defendant.

ORDER FOR APPOINTMENT OF COUNSEL

On May 20, 2010, Robert Huber filed this petition for habeas relief pursuant to 28 U.S.C. §§ 2241 and 2254, asserting that his state court sentencing following revocation of his probation was imposed in violation of the Constitution. Huber was originally convicted of two counts of uttering a forged check in violation of Wis. Stat. § 943.38(2) on November 3, 1988. He was placed on probation for a period of four years in order to pay restitution. Huber did not appeal. Twelve years later, however, on December 8, 2000, his probation was revoked and Huber was sentenced to concurrent terms of ten years on each count. Huber contends that his probation term expired long before the revocation and that his subsequent sentence is in violation of his constitutional rights.

Because the petition appeared untimely, I directed both sides to state their positions with respect to the one-year statute of limitations applicable in federal habeas cases. The state has filed a brief in which it agrees with this Court's initial impression—that the petition is untimely. Given the unusual nature of the case, however, and the procedural complexity reflected in the attachments to the petition, I conclude that the interests of justice would best be served by appointment of

counsel. Accordingly, this Court hereby appoints the Federal Defender, or its designee, to represent Huber pursuant to 18 U.S.C. § 3006A(a)(2)(B).

The Clerk is directed to send a copy of this order to Associate Federal Defender Thomas Phillip at his office in Green Bay, Wisconsin, and thereafter set this matter for a telephone status conference. The Court anticipates that counsel's representation will be limited as an initial matter to the question of the timeliness of the petition.

SO ORDERED this 24th day of June, 2010.

s/ William C. Griesbach
William C. Griesbach
United States District Judge